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MARK A. YEE

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

ZELLA MAYE FREEMAN,	)	CASE NO. 1:05-CV-00328-OWW-SMS
	)	
Plaintiff,	)	<b>ORDER REGARDING PLAINTIFF'S EX</b>
	)	<b>PARTE REQUEST TO MODIFY THE</b>
vs.	)	<b>SCHEDULING ORDER</b>
	)	
CITY OF FRESNO, R. GARRISON (F.P.D.	)	
Badge No. 780), MARK A. YEE (F.P.D.	)	
Badge No. 692), J. CAPRIOLA (F.S.O. Badge	)	
No. 7622), I. BARRIMOND (F.S.O. Badge	)	
No. 1153), J. HOLLINS (F.S.O. Badge No.	)	
2346), R. PEREZ (F.S.O. Badge No. 6169),	)	
A. SIMONSON (F.S.O. Badge No. 9364),	)	
inclusive,	)	
	)	
Defendants.	)	
	)	

On June 14, 2006, the Court heard the ex parte motion requesting a modification to the Scheduling Order to allow Plaintiff time to designate experts filed by Plaintiff, ZELLA MAYE FREEMAN. Attorney Wesley E. Stupar appeared for the Plaintiff and Attorney Erica M. Camarena appeared for the Defendants, JOHN CAPRIOLA, IAN BARRIMOND, JASON HOLLINS, ROBERT PEREZ, ANDREW SIMONSON, ROBERT GARRISON, MARK A. YEE , and the CITY OF FRESNO (hereinafter, collectively referred to as "Defendants").

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1           Upon due consideration of the arguments of the parties and the record herein, the Court  
2 Orders the following:

- 3           1.     Plaintiff is allowed to designate one Expert Witness on Police Practices and  
4                 Procedures. Such Expert Witness must be disclosed to Defendants with a report  
5                 by Friday, June 16, 2006. The parties are ordered to complete discovery of this  
6                 Expert no later than June 30, 2006. Plaintiff is not entitled to re-open discovery  
7                 with respect to those Expert Witnesses designated by Defendants.
- 8           2.     Plaintiff is allowed to designate Samuel L. Burklow, M.D., as a Medical Expert.  
9                 Dr. Burklow's designation and his report must be provided to Defendants on or  
10                before June 23, 2006. Defendants must complete discovery of Dr. Burklow no  
11                later than June 30, 2006.
- 12          3.     Defendants may supplement their Expert Designation to offer a counter Medical  
13                 Expert, but need not provide a report to Plaintiff, and such Expert shall not be  
14                 subjected to discovery.
- 15          4.     Plaintiff is ordered to pay all of Defendants' costs incurred, Expert Witness fees,  
16                 and deposition costs associated with discovery related to Plaintiff's belated  
17                 designation of experts.
- 18          5.     Plaintiff's request for cell phone records made after the discovery cut-off date is  
19                 DENIED.
- 20          6.     The deadline date for filing all non-dispositive motions has been extended. The  
21                 parties must file all non-dispositive motions no later than June 30, 2006.
- 22          7.     The deadline date for filing all dispositive motions has been extended. The  
23                 parties must file all dispositive motions no later than July 30, 2006.
- 24          8.     All other dates referred to in the Scheduling Conference Order will remain in full  
25                 effect.

26 IT IS SO ORDERED.

27 **Dated: June 14, 2006**  
28 emm0d6

**/s/ Oliver W. Wanger**  
UNITED STATES DISTRICT JUDGE